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09/340,782	06/28/1999	FRANK REISINGER	P99-1032	4346

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/340,782
Filing Date: June 28, 1999
Appellant(s): REISINGER, FRANK

Steven H. Noll, Reg. No. 28,982
Schiff, Harding LLP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 25, 2007 appealing from the Office action mailed July 27, 2007.

(1) **Real party in Interest**

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,802,218	Wright et al	01-1989

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright et al (US 4,802,218).

Regarding claim 1 –

Wright discloses a method for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising the steps of: offering new service data at a data center for future use at terminal equipment; forming a request for new service data at the terminal equipment; establishing a first communication between the terminal equipment and the data center and in said first communication transmitting said request data from the terminal equipment to the data center, receiving the request data at the data center, transmitting the new service data requested in the request data from the data center to the terminal equipment, and receiving and storing the new service data at the terminal equipment; and establishing a second communication between the terminal equipment and the data center and in said second communication forming a message at the terminal equipment that refers to the new service data stored at the terminal equipment, communicating said message from the terminal equipment to the data center, receiving the message from the terminal equipment at the data center and checking the message at the data center by comparison of information contained in the message with information generated from the new service data at the data center and, given a positive comparison result, transmitting a follow-up message from the data center to the terminal equipment allowing said terminal equipment, when appropriate, to

use said new service data, and registering at the data center the valid transmission of the new service data to the terminal equipment (e.g. col 2 ln 65 – col 4 ln 30, col 3 ln 35-60, col 3 ln 60-col 4 ln 5, col 5 ln 18-30).

Regarding claim 2 –

Wright discloses a method as claimed in claim 1 wherein said follow-up message comprises an OK message allowing the terminal equipment to be switched into an operating mode (e.g. col 3 ln 5-15, 25-36).

Regarding claim 3-

Wright discloses a method as claimed in claim 2 wherein the step of transmitting said OK message includes transmitting a marking in said OK message indicating that the new service data stored at the terminal equipment are valid (e.g. col 3 ln 5-15, 35-36).

Regarding claim 4 –

Wright discloses a method as claimed in claim 1 wherein the step of storing the new service data in the first communication comprises intermediately storing the new service data at the terminal equipment, and wherein the step of transmitting said follow-up message in said second communication comprises transmitting a load instruction from the data center to the terminal equipment, and wherein said second communication includes the step of, upon receipt of said load instruction at the terminal equipment, loading the new service data into a non-volatile memory of a processing module at the terminal equipment (e.g. col 3 ln 15-25, col 3 ln 60-col 4 ln 5, col 6 ln 65- col 7 ln 13).

Regarding claim 5 –

Wright discloses a method as claimed in claim 1 wherein the step of forming said message in the second communication at the terminal equipment comprises forming a message including a version number associated with the new service data and a checksum (e.g. col 3 ln 40-60, col 8 ln 37-47).

Regarding claim 6 –

Wright discloses a method as claimed in claim 1 wherein the step of forming said message in the second communication at the terminal equipment comprises forming a message including a version number associated with the new service data and an encrypted checksum (e.g. col 3 ln 40-60, col 9 ln 62- col 10 ln 10).

Regarding claim 7 –

Wright discloses a method as claimed in claim 1 wherein the step of offering said new service data comprises offering postage fee schedule table data as said new service data, and comprising the step of providing a postage computer having a processing module which makes use of said postage fee schedule table data at said terminal equipment (e.g. col 4 ln 5-15, col 12 ln 3-22, col 11 ln 30-40, 40-52).

Regarding claim 8 –

Wright discloses a method as claimed in claim 7 wherein the step of forming said message in said second communication at said terminal equipment includes forming a message including a version number of the new service data and an encrypted checksum, and comprising the step of providing a postage meter machine at said terminal equipment in communication with said postage computer, storing a secret key

in said postage meter machine, forming said encrypted checksum in said postage meter machine using a symmetrical encryption algorithm and said secret key, and storing said secret key as well at said data center and using said secret key at said data center to check said message from said terminal equipment in said second communication (e.g. col 4 ln 30-50, col 12 ln 3-22, col 11 ln 30-40, 40-52).

Regarding claim 9 –

Wright discloses a method as claimed in claim 7 wherein the step of forming said message in said second communication at said terminal equipment comprises forming a message including a version number of the new service data and an encrypted checksum, and comprising the steps of storing a public key in said postage computer and forming said encrypted checksum in said postage computer using an asymmetrical encryption algorithm and said public key, and storing a non-public secret key, related to said public key, at said data center and using said non-public secret key at said data center to check said message in said second communication (e.g. col 5 ln 5-15, col 9 ln 62- col 10 ln 10).

Regarding claim 10 -

Wright discloses a method as claimed in claim 1 wherein the step of offering new service data at said data center comprises offering new postage fee schedule table data at said data center for future use in postage calculation, and wherein the step of checking the message transmitted from the terminal equipment to the data center in the second communication comprises checking information contained in said message by comparison with information generated from the new postage fee schedule table data,

and wherein the step of transmitting said follow-up message in said second communication from said data center to the terminal equipment comprises transmitting an OK message indicating that the new postage fee schedule table data received at said terminal equipment are valid and also including a load instruction instructing the terminal equipment to load the new postage fee schedule table data into a non-volatile memory of a postage computer at said terminal equipment (e.g. col 5 ln 5-15, col 12 ln 2-22).

Regarding claim 11 –

Wright discloses a method as claimed in claim 10 comprising the additional step of loading said new postage fee schedule table data into said non-volatile memory at said postage computer upon receipt at said terminal equipment of said follow-up message (e.g. col 3 ln 60 – col 4 ln 5, col 15 ln 30-42).

Regarding claim 12 –

Wright discloses a method for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising the steps of: transmitting unencrypted service data from a data center to terminal equipment; generating a code at the terminal equipment based on the transmitted service data; transmitting said code from said terminal equipment to said data center; and receiving said code at said data center and checking said code at said data center and transmitting a message from said data center to said terminal equipment identifying a result of the check (e.g. col 2 ln 65 – col 4 ln 30, col 3 ln 25-36).

Regarding claim 13 –

Wright discloses a method as claimed in claim 12 comprising providing a postage computer at said terminal equipment, and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and comprising the steps of generating a checksum at said postage computer based on the transmitted fee schedule table data and transmitting the checksum to the data center as at least a part of said code, and wherein the step of checking the code at the data center comprises checking the checksum at the data center on the basis of a stored checksum stored at said data center and wherein the step of transmitting a message to the terminal equipment comprises transmitting an OK message to the terminal equipment given coincidence of said stored checksum with the checksum transmitted to the data center (e.g. col 3 ln 5-15, col 3 ln 60 – col 4 ln 5).

Regarding claim 14 –

Wright discloses a method as claimed in claim 12 comprising providing a postage computer at said terminal equipment, and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and comprising the steps of generating a encrypted code at said postage computer based on the transmitted fee schedule table data and transmitting the encrypted code to the data center as at least a part of said code, and wherein the step of checking the code at the data center comprises checking the encrypted code at the data center on the basis of a

stored encrypted code stored at said data center and wherein the step of transmitting a message to the terminal equipment comprises transmitting an OK message to the terminal equipment given coincidence of said stored encrypted code with the encrypted code transmitted to the data center (e.g. col 3 ln 5-15, col 3 ln 60 – col 4 ln 5).

Regarding claim 15 –

Wright discloses a method as claimed in claim 12 comprising providing a postage computer at said terminal equipment and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein the step of generating a code at the terminal equipment comprises generating a signature representing information dependent on the transmitted fee schedule table data and encrypting said information with a public write key to form said signature, and wherein the step of transmitting said code to the data center comprises transmitting said signature to the data center, and wherein the step of checking the code at the data center comprises decrypting the signature at the data center with a secret read key according to an asymmetrical algorithm and checking the information in the signature with information stored at the data center and, given a positive comparison result, transmitting an OK message to the terminal equipment (e.g. col 5 ln 5-15, col 3 ln 60 – col 4 ln 5).

Regarding claim 16 –

Wright discloses a method as claimed in claim 15 comprising the step of forming a checksum as said information contained in said signature (e.g. col 3 ln 40-60, col 8 ln 37-47).

Regarding claim 17 –

Wright discloses an arrangement for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising: a data center, and terminal equipment located remote from said data center, said data center offering new service data for future use at said terminal equipment; means for forming a request for new service data at the terminal equipment; means for establishing a first communication between the terminal equipment and the data center and in said first communication transmitting said request data from the terminal equipment to the data center, means for receiving the request data at the data center and for transmitting the new service data requested in the request data from the data center to the terminal equipment, and means for receiving and storing the new service data at the terminal equipment; and means for establishing a second communication between the terminal equipment and the data center and in said second communication forming a message at the terminal equipment that refers to the new service data stored at the terminal equipment and for communicating said message from the terminal equipment to the data center, means for receiving the message from the terminal equipment at the data center and for checking the message at the data center by comparing information contained in the message with information generated from the new service data at the data center and, given a positive comparison result, for forming and transmitting a follow-up message from the

data center to the terminal equipment allowing said terminal equipment, when appropriate, to use said new service data, and means for registering at the data center the valid transmission of the new service data to the terminal equipment (e.g. col 2 ln 65 – col 4 ln 30, col 7 ln 51- 62,).

Regarding claim 18 –

Wright discloses an arrangement as claimed in claim 17 wherein said means for forming said follow-up message comprises means for forming an OK message allowing the terminal equipment to be switched into an operating mode (e.g. col 3 ln 5-15, col 7 ln 45-50).

Regarding claim 19 –

Wright discloses an arrangement as claimed in claim 18 wherein said means for forming said OK message means for including a marking in said OK message indicating that the new service data stored at the terminal equipment are valid (e.g. col 3 ln 5-15, col 7 ln 52-col7 ln 2).

Regarding claim 20 –

Wright discloses an arrangement as claimed in claim 17 wherein said means for storing the new service data in the first communication comprise means for intermediately storing the new service data at the terminal equipment, and wherein said means for transmitting said follow-up message in said second communication comprise means for transmitting a load instruction from the data center to the terminal equipment, and wherein said terminal equipment comprises means for, upon receipt of said load instruction at the terminal equipment, loading the new service data into a non-volatile

memory of a processing module at the terminal equipment (e.g. col 3 ln 15-25, col 14 ln 41-60).

Regarding claim 21 –

Wright discloses an arrangement as claimed in claim 17 wherein said means for forming said message in the second communication at the terminal equipment comprise means for forming a message including a version number associated with the new service data and a checksum (e.g. col 3 ln 40-60, col 14 ln 56-60).

Regarding claim 22 –

Wright discloses an arrangement as claimed in claim 17 wherein said means for forming said message in the second communication at the terminal equipment comprise means for forming a message including a version number associated with the new service data and an encrypted checksum (e.g. col 3 ln 40-60, col 14 ln 56-60).

Regarding claim 23 –

Wright discloses an arrangement as claimed in claim 17 wherein said data center comprises means for offering postage fee schedule table data as said new service data, and wherein said terminal equipment comprises a postage computer having a processing module which makes use of said postage fee schedule table data (e.g. col 4 ln 5-15, col 13 ln 50-65).

Regarding claim 24 –

Wright discloses an arrangement as claimed in claim 23 wherein said means for forming said message in said second communication at said terminal equipment comprise means for forming a message including a version number of the new service data and

an encrypted checksum, and wherein said terminal equipment comprises a postage meter machine in communication with said postage computer, means for storing a secret key in said postage meter machine, means for forming said encrypted checksum in said postage meter machine using a symmetrical encryption algorithm and said secret key, and wherein said data center comprises means for storing said secret key as well at said data center and wherein said means for checking comprise means for using said secret key to check said message from said terminal equipment in said second communication (e.g. col 4 ln 30-50, col 14 ln 41-60).

Regarding claim 25 –

Wright discloses an arrangement as claimed in claim 23 wherein said means for forming said message in said second communication at said terminal equipment comprise means for forming a message including a version number of the new service data and an encrypted checksum, and wherein said postage computer comprises means for storing a public key and for forming said encrypted checksum using an asymmetrical encryption algorithm and said public key, and wherein said data center comprises means for storing a non-public secret key, related to said public key, at said data center and wherein said means for checking comprise means for using said non-public secret key to check said message in said second communication (e.g. col 5 ln 5-15, col 14 ln 41-60).

Regarding claim 26 –

Wright discloses an arrangement as claimed in claim 17 wherein said data center comprises means for offering new postage fee schedule table data at said data center

for future use in postage calculation, and wherein said means for checking the message transmitted from the terminal equipment to the data center in the second communication comprises means for checking information contained in said message by comparison with information generated from the new postage fee schedule table data, and wherein said means for transmitting said follow-up message in said second communication from said data center to the terminal equipment comprises means for transmitting an OK message indicating that the new postage fee schedule table data received at said terminal equipment are valid and also including a load instruction instructing the terminal equipment to load the new postage fee schedule table data into a non-volatile memory of a postage computer at said terminal equipment (e.g. col 5 ln 5-15, col 3 ln 60 – col 4 ln 5).

Regarding claim 27 –

Wright discloses an arrangement as claimed in claim 26 wherein said terminal equipment comprises loading said new postage fee schedule table data into said non-volatile memory at said postage computer upon receipt at said terminal equipment of said follow-up message (e.g. col 3 ln 60 – col 4 ln 5, col 13 ln 50 – col 14 ln 8).

Regarding claim 28 –

Wright discloses an arrangement for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising: a data center, and terminal equipment located remote from said data center; means for transmitting unencrypted service data from the data center to the terminal equipment; means for generating a code at the terminal equipment based on the transmitted service data; means for

transmitting said code from said terminal equipment to said data center; and means for receiving said code at said data center and for checking said code at said data center and for transmitting a message from said data center to said terminal equipment identifying a result of the check (e.g. col 2 ln 65 – col 4 ln 30).

Regarding claim 29 –

Wright discloses an arrangement as claimed in claim 28 wherein said terminal equipment comprises a postage computer, and wherein said means for transmitting unencrypted service data to the terminal equipment comprises means for transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises means for generating a checksum based on the transmitted fee schedule table data and wherein said means for transmitting said code comprise means for transmitting the checksum to the data center as at least a part of said code, and said means for checking the code at the data center comprise means for checking the checksum at the data center on the basis of a stored checksum stored at said data center and for transmitting a message to the terminal equipment comprising an OK message to the terminal equipment given coincidence of said stored checksum with the checksum transmitted to the data center (e.g. col 3 ln 5-15, col 14 ln 41-60, col 2 ln 65 – col 4 ln 30, col 7 ln 51- 62).

Regarding claim 30 –

Wright discloses an arrangement as claimed in claim 28 wherein said terminal equipment comprises a postage computer, and said means for transmitting unencrypted service data to the terminal equipment comprises means for transmitting unencrypted

fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises means for generating a encrypted code based on the transmitted fee schedule table data and wherein said means for transmitting said code comprise means for transmitting the encrypted code to the data center as at least a part of said code, and wherein said means for checking the code at the data center comprise means for checking the encrypted code at the data center on the basis of a stored encrypted code stored at said data center and for transmitting a message to the terminal equipment comprising an OK message to the terminal equipment given coincidence of said stored encrypted code with the encrypted code transmitted to the data center (e.g. col 3 ln 5-15, col 2 ln 65 – col 4 ln 30, col 7 ln 51-62).

Regarding claim 31 –

Wright discloses an arrangement as claimed in claim 28 wherein said terminal equipment comprises a postage computer and wherein said means for transmitting unencrypted service data to the terminal equipment comprise means for transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises said means for generating a code at the terminal equipment, said postage computer generating a signature, as said code, representing information dependent on the transmitted fee schedule table data and encrypting said information with a public write key to form said signature, and wherein said means for transmitting said code to the data center comprises means for transmitting said signature to the data center, and said means for checking the code at

the data center comprise means for decrypting the signature at the data center with a secret read key according to an asymmetrical algorithm and for checking the information in the signature with information stored at the data center and, given a positive comparison result, for transmitting an OK message to the terminal equipment (e.g. col 5 ln 5-15, col 2 ln 65 – col 4 ln 30, col 7 ln 51- 62).

Regarding claim 32 –

Wright discloses an arrangement as claimed in claim 31 wherein said postage computer comprises forming a checksum as said information contained in said signature (e.g. col 3 ln 40-60, col 2 ln 65 – col 4 ln 30, col 7 ln 51- 62).

(10) Response to Argument

It is noted at this time that, in Appellant's Appeal Brief, Appellant's separate arguments have not been placed under separate headings.

First Issue

Appellant argues, with respect to claims 1, 12, 17 and 28 that nothing in the cited reference discloses, teaches or suggests a "remote data center communicating with a terminal device".

Examiner respectfully disagrees and directs attention to Wright, wherein "the handshake procedure can be performed with an operations microprocessor for the terminal, or one remote to the terminal". (col 7 ln 57-60). Thus, Wright clearly contemplates a remote data center communicating with a terminal.

Second Issue

Appellant argues, with respect to claims 1, 12, 17 and 28, that nothing in the cited reference discloses, teaches or suggests a message that is transmitted back to the card from the postage meter referring to the originally transmitted serial number or including any coded information that has been based on or derived from the originally transmitted number.

Examiner respectfully disagrees and direct attention to Wright, wherein, "particular embodiment of the invention is a mutual handshake recognition procedure executed as follows: (1) upon confirming that a requested transaction is authorized, the card passes to the terminal a word comprising a randomly generated or other object number encrypted by a first resident algorithm and a key number stored in the card; (2) the terminal decodes the number using a corresponding inverse of the first algorithm and the key number; (3) the terminal sends back to the card a second word comprising the decoded random number encrypted by a second resident algorithm and the key number; (4) the card decodes the second word using a corresponding inverse of the second algorithm and the key number and compares the decoded number to the one originally sent; (5) if the numbers match, the card microprocessor debits its authorized balance for the indicated amount of the transaction and sends an actuation signal to the terminal to proceed with the transaction; and (6) upon receipt of the actuation signal, the dispensing microprocessor actuates the dispensing section to complete the transaction. The transmitted actuation signal may also be encrypted and decoded by the above algorithms or a similar method." (col 3 ln 37-59). Wherein: Data

center="microprocessor remote to terminal"; generating a code = "Generating a second word at the terminal which is based upon the "randomly generated object number".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Cristina Owen Sherr, AU 3621

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
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Conferees:

Andrew J. Fischer

Kambiz Abdi

09/340,782 APPEAL TABLE – Claim 12 and Wright (US 4,802,218)

Clause No.	Claim 12	Wright (US 4,802,218)
1	**Data center** **Terminal** A method for dependably transmitting service data from a data center to a remotely-located terminal equipment, comprising the steps of:	**"microprocessor remote to terminal"** **"terminal"** (note that this is one embodiment) Remote (col 7 ln 58-52)
2	**Unencrypted** **Unencrypted service data** "from data center to terminal equipment" transmitting unencrypted service data from a data center to terminal equipment;	**decoded** **randomly generated object number** **"from microprocessor to terminal"** Col 3 ln 40-50
3		

Clause No.	Claim 12	Wright (US 4,802,218)
	Generating a code generating a code at the terminal equipment based on the transmitted service data;	**Generating a second word at the terminal which is based upon the "randomly generated object number"** Col 3 ln 55-60
4	transmitting said code from said terminal equipment to said data center	**"transmitting "second word" from the terminal to the microprocessor remote to the terminal"** Col 3 ln 35-60
5	and receiving said code at said data center and checking said code at said data center and transmitting a message from said data center to said terminal equipment identifying a result of the check.	**Receiving the "second word" at the microprocessor and checks the "second word" with originally sent word"** Col 3 ln 35-60